

**REMARKS**

Claims 1 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 13 are amended to delete the term "external." The terminology is thereby brought into consistency with the terminology of the claims as filed.

The Applicant notes that the Examiner's objections under 35 U.S.C 102(b) do not relate to the amended claims submitted with our communication of 8 October 2003 but rather with the previous claims submitted in our communication of 1 July 2003. Thus, amendments previously made to the claims in our communication of October 8, 2003 are again shown in underline and strikeout form in the current amendment. The term "external" has been removed from any additions to the claim shown in underline form.

Independent claims 1 and 13 were rejected under 35 USC §102(b) as being unpatentable over Van den Heuvel et al. (US patent 5,301,359). Claims 1 and 13, as amended, clarify that in accordance with the invention, price information associated with communication through a communication system is provided to a content provider, price information related to a plurality of options related to values of at least one communications parameter to be used during the provision of service is received back from the content provider and consequently the user is provided with the plurality of options as a function of price for selection by the user. Thus, the current invention deals with the interaction between three different entities, namely the content provider, the communication system and the user.

As is well known in the art and clear from the term (and further elucidated in the description), a content provider is an entity which provides content to a user. For example, the content provider may provide news, weather reports, music or other content. The content is delivered to the user through the communication system using a suitable communication service (typically known as a bearer or bearer service in cellular communication systems). Thus, the content provider inherently provides a content service to the user using a communication service of the communication system. The current invention relates to the interaction and interrelation between the content provider and the

communication system in order to provide the user with an improved service and in particular to provide the user with a selection between different content services.

The Applicant notes that Van den Heuvel is concerned only with the interaction between a plurality of communication systems and a user. Thus, Van den Heuvel comprises no teaching or consideration of any content information, content provision or content providers. Rather, Van den Heuvel considers only the interaction between a user and a communication system and the only information provided to the user is that related to bearer services of the communication system itself.

Accordingly, the Applicant respectfully submits that Van den Heuvel clearly does not disclose the interaction between three entities where a communication system provides information to a content provider related to communication through the communication system, the content provider then generates information related to a number of options which are subsequently presented to a user for selection. In particular it is submitted that Van den Heuvel comprises no disclosure of any price being determined by any content provider. Thus, van den Heuvel clearly does not disclose the features of price information associated with communication through the communication system being provided to a content provider or of price information related to a plurality of options related to values of at least one communications parameter used during the provision of service being received from a content provider.

It is noted that a key feature of the current invention is the separation of functionality between the content provider and the communication system. Frequently, a content provider simply uses the communication system as a distribution network but maintains all control and management of the provided service to the end user. The current invention allows the content provider to provide the user with options having associated price information which may be directly determined and chosen by the content provider, and which may take into account both parameters known and controlled by the content provider as well as the cost of communicating through the communication system. This clearly

cannot be achieved and is not envisaged in the system described in Van den Heuvel.

It is thus respectfully submitted that Van den Heuvel does not disclose the features of providing price information associated with communication through the communication system to a content provider; receiving from the content provider price information related to a plurality of options related to values of at least one communications parameter to be used during the provision of service and providing to the user as a function of price the plurality of options for selection therefrom by the user. It is accordingly submitted that the claims as amended are novel and inventive over the cited prior art.

It is accordingly submitted that the Examiner's objections have been traversed and that independent claims 1 and 13 are novel and inventive over the cited prior art. Applicants further submit that dependent claims 2-5, 7-12, 14-17 and 19-24 are allowable by virtue of their dependency, directly or indirectly on claims 1 and 13, respectively. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,  
Dellaverson, Lou, et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department

Customer Number: 22917

By: Lalita W. Pace  
Lalita W. Pace  
Attorney for Applicant  
Registration No.: 39,427  
Telephone: 847-538-5855  
Fax: 847-576-3750